IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.46 OF 2007

IN

L.C.SUIT NO.3803 OF 1990

Hasu Thakor ...Plaintiff

Versus

Wyoming Co-op.Housing S.Ltd. & Anr. ...Defendants

.....

Mrs.K.H.Thakor for Plaintiff.

Mr.Hemang Raithattha for Defendant No.1.

.....

CORAM: A.M.KHANWILKAR, J.

APRIL 27, 2007.

P.C.

1. Heard Counsel for the parties.

2. According to Counsel for the Defendant No.1, no fruitful purpose would be served on disclosing the names of heirs and legal representatives of Defendant No.2. This is so because the suit claim is essentially against the

Society and not against the Defendant No.2 personally who was the then Secretary of the Defendant No.1 Society.

3. Counsel for the Plaintiff however has invited my attention to the averments in Paragraph 3 of the Plaint, where it is clearly asserted that the Defendant No.2 gave unconditional undertaking to pay the outstanding amount to the Plaintiff, if necessary, personally. This aspect will have to be considered at the appropriate stage. For that reason, it is necessary for the Plaintiff to bring on record heirs and legal representatives of Defendant No.2. That can be done only if the Defendant No.1 were to furnish the necessary information.

4. Accordingly, this Chamber Summons is made absolute in terms of prayer clause (a) requiring the Defendant No.1 to furnish necessary information to the Advocate for the Plaintiff within six weeks from today. Other aspects of delay in taking out the Application for bringing heirs on record will

be considered in the proposed application to be filed by the Plaintiff in that behalf. All questions in that behalf are left open.

5. This Chamber Summons is disposed of on the above terms.

6. It is made clear that it will be open to the parties to explore possibility of settlement so that the entire matter will get resolved.

A.M.KHANWILKAR, J.